



remaining in his custodial sentence, Defendant filed this Motion, requesting that the court<sup>2</sup> terminate the remainder of his sentence. (Doc. # 64).

Generally, a court may not modify a term of imprisonment once it has been imposed. *See* 18 U.S.C. § 3582(c). However, when a defendant moves for a reduction in sentence, “[t]he movant bears the burden of proving entitlement to relief under section 3582.” *United States v. Kannell*, 834 F. App’x 566, 567 (11th Cir. 2021).

Pursuant to 18 U.S.C. § 3582(b), “[a] judgment of conviction that includes a sentence of imprisonment constitutes a final judgment and may not be modified by a district court except in limited circumstances.” *Dillon v. United States*, 560 U.S. 817, 824 (2010). A court may modify a term of imprisonment if the court finds any “extraordinary and compelling reasons warrant such a reduction” and “such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A). “Accordingly, district courts may not reduce a sentence under Section 3582(c)(1)(A) unless a reduction would be consistent with 1B1.13,” the applicable policy statement for such sentence reductions. *United States v. Bryant*, 996 F.3d 1243, 1262 (11th Cir. 2021). Section 1B1.13 provides four reasons that constitute “extraordinary and compelling reasons” warranting a reduction: “(i) a ‘terminal illness’; (ii) a ‘permanent physical or medical condition’ or ‘deteriorating physical or mental health because of the aging process,’ which ‘substantially diminishes the ability of the defendant to provide self-care’ in prison; (iii) ‘death or incapacitation of the defendant’s only family member capable of caring for’ a minor child; and (iv) ‘as determined by the Director of the [BOP],...an extraordinary and compelling reason other

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<sup>2</sup> Defendant also requests that Attorney Michael A. Royster, with the US Attorney’s Office grant the motion and “go along with” the *quid pro quo* proposed. (Doc. # 64, p. 5-6). However, only this court has the authority (and, to be sure, its authority is limited) to modify a term of imprisonment once it has been imposed. *See* 18 U.S.C. § 3582(c).

than, or in combination with, the reasons described in subdivisions (i), (ii), and (iii).” *Bryant*, 996 F.3d at 1249.

Defendant has failed to state an “extraordinary and compelling” reason to modify his term of imprisonment within the meaning of the statute. 18 U.S.C. § 3582(c)(1)(A)(i); *see also* FSG § 1B1B.13, Application Note 1. In support of his Motion, Defendant states that he has “a lot of situations going on dealing with [his] kids, mother, grandmother, and brothers and sisters.” (Doc. # 64-1, p. 3). Defendant also informs the court that he has nearly completed the required credits for his GED. (*Id.*). The court commends Defendant, but the reasons he has provided do not fall within the “limited circumstances” in which the court has authority to modify a term of imprisonment. While the Director of the BOP has the authority to determine additional circumstances in which modification is warranted, the court may not make such a determination. Therefore, Defendant will be required to carry out the remaining four months of his custodial sentence.

For these reasons, Defendant’s Motion to Terminate Remainder of Federal Sentence (Doc. # 64) is **DENIED**.

**DONE** and **ORDERED** this October 27, 2023.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE